

Senator DON BENTON

17th Legislative District

2006 Session Newsletter

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Standing committees:

Financial Institutions, Housing &
Consumer Protection, Ranking
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ment Operations and Elections;
Transportation; Early Learning,
K-12 and Higher Education



Dear neighbors:

As always, it is good to be home with my family and friends in Vancouver. It was a short session this year, but a very busy one. In this newsletter I will share with you information about the major issues of the 2006 session, as well as the issues on which I focused my efforts.

I am happy to report that my funding requests for Clark County were extremely successful; a list of our projects is included in this newsletter.

I was also successful in winning passage of several important bills to crack down on sex offenders and a significant bill to keep campaign contributions transparent.

I am also ready to come back next year and continue my fight to protect private property owners from government land grabs; to enact the Chelsea Harrison Act so another child doesn't die because of a loophole in our "Three Strikes You're Out" law; and to shield families of veterans from disrupting and cruel demonstrations at their loved one's funeral service by making it a misdemeanor crime for protestors to be closer than 500 feet.

It is an honor and a privilege to serve as your senator. If you have any questions about state government, items in this newsletter, or other legislative issues, please do not hesitate to contact me.

Sincerely,


Senator Don Benton

My "Three Strikes" bill could have saved Chelsea Harrison's life

I think everyone in our area knows about the Chelsea Harrison tragedy. This child would still be alive today if a bill I introduced this year had been law back in 1999. Her killer, Roy Wayne Russell, was convicted and sentenced to life in prison under Washington's "Three Strikes You're Out" law, but got out on appeal because one of his 'Three Strikes' crimes was committed in Arizona.

My proposal, **Senate Bill 6829**, counts "any out-of-state conviction for a felony offense that resulted in a sentence of ten years or more" as a strike. After consulting with Chelsea's family, Senate Bill 6829 is designated to be known and cited as the **Chelsea Harrison Act**.

Frustrated and disappointed that the Senate Judiciary Committee refused to give the Chelsea Harrison Act a hearing – given the fact that a child died because the substance of the bill is not already law – I held my own hearing on the floor of the full Senate during debate on another bill.

I proposed my bill as an amendment to a measure dealing with pleas for sex offenders. I knew my amendment didn't fit the bill, but proposing it gave me the ability to speak about what happened to Chelsea and why my bill is needed.

I told my colleagues that because of a loophole, a tiny word difference in our "Three Strikes" law, a three-time felony offender got out of jail and murdered a young girl; and that my bill to fix this travesty didn't even get a hearing in committee.

After my comments, several senators from both political parties came to me and said I had a valid issue and committed to helping me pass the bill during the 2007 session.



Getting tough on sex offenders

While I am disappointed that **my Jessica's Law legislation (Senate Bill 6389)** was not enacted, causing it to become part of a proposed initiative to the people, I did have several important bills signed into law that will better protect our children and vulnerable adults from sexual predators.

☑ **Cracking down on registration requirements**

Common sense dictates that law enforcement officials can't keep an eye on sex offenders if they don't know where they are. Under current law, most offenders only have to check in once per year – by mail. That's ridiculous. Under the new law created by my proposal, **Senate Bill 6519**, these offenders must check in with the local sheriff's office every 90 days for life; and in order to keep the offender's file current, a photo may be taken at any time if the offender's appearance changes.

When it comes to our registration laws, it should not matter if a sex offender is convicted in another state or convicted here and moved out of state and then moved back. A measure I sponsored, **Senate Bill 6144**, closes a loophole that enables registered sex and kidnapping offenders to leave the state and come back without having to register upon their return. Under this new law, all out-of-state offenders, regardless of whether they once lived in Washington when they committed their offenses, must register with the state within three business days of establishing residency.

Failure to register should be taken seriously. The new law enacted through a proposal I sponsored, **Senate Bill 6319**, increases the penalty for willful failure to register, with second and subsequent offenses subject to mandatory prison time.

☑ **Increasing the use of electronic monitoring**

The substance of a bill I sponsored, **Senate Bill 6322**, was enacted into law through **House Bill 2407**. This new law increases the Department of Corrections' ability to use electronic monitoring of sex offenders as a condition of community custody.

☑ **Making assault of a child with sexual motivation subject to the "Two Strikes" law**

Under the state's "Two Strikes" law, certain convictions qualify for mandatory life in prison without the possibility of parole. Under a new law I sponsored this year, **Senate Bill 6406**, assault of a child in the second degree with sexual motivation is added to the list of "Two Strike" offenses.

☑ **Notifying victims**

I sponsored a measure this year (**Senate Bill 6502**) to create an integrated statewide victim notification system so victims will know if an offender is transferred, released or has escaped. While this measure was not adopted, \$400,000 was provided in the 2006 supplemental operating budget for the Washington Association of Sheriffs and Police Chiefs to develop this system. A federal grant is expected to complete the funding.

☑ **NOT Jessica's Law**

The defining provision of **Jessica's Law** (my measure, **Senate Bill 6389**), is a mandatory 25 year prison sentence for child molesters, regardless of that offender's relationship to the child victim. The measure enacted into law, **House Bill 3277**, requires prosecutors to seek a 25-year sentence for child molesters that are strangers to the victim or persons in a position of trust, but not relatives. Jessica's Law is named for Jessica Marie Lunsford, a 9-year-old Florida girl who was abducted, sexually assaulted and murdered on Feb. 23, 2005, by a previously convicted sex offender who was in violation of his probation and had failed to register his change of address with local law enforcement. Jessica's father, Mark Lunsford, came to our state to testify in favor of enacting a "true" Jessica's Law in Washington.

Making murder of a child a capital offense

I proposed a new law this year that makes the murder of a child, age 14 or younger, a death penalty case. (**Senate Bill 6758**)

Babies and young children are defenseless. Anyone who intentionally murders a baby or child deserves to face the death penalty.

Current law makes it a capital offense to murder under certain circumstances. The list includes killing a law enforcement officer in the line of duty and accepting money to kill someone.

I talked to Clark County Prosecutor Art Curtis about this issue; and we agree that when someone goes on trial for murdering an innocent child, we shouldn't have to jump through any hoops to prove aggravated circumstances. Art has backed this issue before and I think we should keep fighting for it.

Protecting children from sexual predators was a key issue this past session. I think we need to take one more step and make intentional murder of a child under any circumstance a capital offense. I intend to reintroduce SB 6758 during the 2007 legislative session.

My political action committee transparency bill is now law

Sometimes you have to wonder why something so right takes such a battle to achieve, but I stuck to my guns and now voters will know who is giving money through out-of-state political actions committees in support of or in opposition to a candidate or ballot measure here in Washington. I won this "citizens right to know" effort by successfully amending my bill, **Senate Bill 6522**, to **House Bill 1226**, which was signed into law on March 30. It becomes effective in time for this year's campaigns. Without this new law, out-of-state political action committees subject to federal campaign law disclosure requirements do not have to file with the state's Public Disclosure Commission and abide by its deadlines. That meant voters could not find out who was giving what to whom until after Election Day. My bill closed this loophole.

Protecting private property rights: The battle continues

In July 2005, Washington and every other state in the nation got a wake up call when the United State Supreme Court ruled in the Kelo case that the U.S. Constitution did not prohibit the city of New London, Connecticut, from condemning private property for private business use.

The impact of that decision is obvious: A property owner's protection is going to have to come from state laws and provisions in a state's constitution.

While the Washington State Constitution specifically forbids government entities from taking private property for another private use, recent Washington State Supreme Court opinions have shown some inconsistencies in the law which lawmakers need to address by clarifying what is and what is not "public use."

This year, I sponsored **Senate Bill 6388** to put into state law specific language as to what constitutes public use and declares: "No government shall take or damage private land or any interest in real property that is not to be used for the construction of a public use facility or the provision of a public service necessary to protect public health and safety."

I was among the senators that tried twice during the 2006 session to force this bill up for a vote, but both times my efforts were defeated by the majority Democrats and the bill died in committee without a public hearing.

We need to bury the “Death” Tax

In 1981, Washington voters approved Initiative 402 to end the state’s stand-alone estate tax and tie it to the federal estate tax for a credit. In 2001, when Congress voted to phase out the federal estate tax, Washington’s law was not changed, and the state Department of Revenue continued to collect taxes on estates. In February 2005, the Washington State Supreme Court ruled the state’s estate tax was unconstitutional and ordered refunds. The ruling said a new tax burden can only be created by a law that states such a purpose. This prompted the enactment of a new stand-alone “death” tax in 2005. **I voted “no.”**

I was among the senators that tried twice this year to bring a bill up for a vote that would have eliminated this new stand-alone estate tax, but both times our motion was defeated by the majority party in charge of the Senate.

In early April of this year, Seattle-based food distributor, Services Group of America (SGA), announced it will be moving its headquarters to Arizona, citing Washington’s high death tax rate as the major reason for the move. Washington is estimated to lose over 100 jobs when the company pulls its headquarters out of the state.

People work hard all their lives for what they have and not only do they pay federal income taxes, they pay state and local sales taxes, property taxes, business and occupation taxes, and real estate taxes along the way. To impose yet another tax on revenue that has already been taxed just because a person passes away is outrageous. I will continue my efforts to eliminate this unjust tax.

Constitutionally-mandated rainy day fund

I sponsored a proposed constitutional amendment this year that would have created a reserve account protected by the state constitution as the most effective way of dealing with cyclical crises in state revenue. There is a tendency for lawmakers to spend when the economy is booming – to the point that hurtful cuts must be made when the economy cools and state revenues fall. The only way to prevent this from happening and to prevent a situation of new taxes vs. hurtful cuts is to put a provision in the constitution that **requires** the state to save money. The proposed constitutional amendment to create this rainy day fund required a two-thirds vote of the Legislature to put it on the next general election ballot, and then a simple majority vote of the people to be enacted. Unfortunately, the majority in charge refused to even give this measure a public hearing and it died in committee.

Keeping down costs for local bus service

On March 29, the governor signed into law my bill to allow local bus services to deduct fare-box receipts from gross receipts before the utility tax is calculated – effective June 7, 2006.

Under state law, public and private entities that transport people are subject to the public utility tax on gross receipts. Under current law, fare-box revenue is not among the deductions from the gross receipts granted to public transit agencies, except King County Metro Transit. My bill allows that same deduction for all public transit agencies, including our own C-Tran.

This new law will especially help C-Tran eliminate time-consuming and costly reporting requirements and provide a needed tax break to the agency.

Local bus service is an integral part of a comprehensive transportation system, especially for the elderly and the disabled. My bill levels the playing field for those of us outside King County, and will help keep our operating costs down.

Citizens should choose annexation, not governments

I introduced **Senate Bill 6521** this year to require a public vote before an area can be annexed to a city.

A move to annex more land to the city of Vancouver is underway and my bill would protect property owners who don’t want to be annexed into the city, which often amounts to more taxes, more regulations and no additional services.

Since incorporation in 1857, Vancouver has annexed land 130 times. The first six times were approved by registered voters in the proposed annexation areas. Laws have changed since then, making it much easier to annex without voter approval, resulting in 124 more annexations.

Under my proposal, if a petition to put the question on the ballot is signed by 10 percent of the affected property owners, there must be a public vote of all residents in the area.

Landowners should have the right to make a choice about whether or not they want their land to become part of a city. Annexation decisions have been moving in the wrong direction. It’s time to go back to the people and give them a say in the process.

Although I had bipartisan support for my bill, it did not get a public hearing and move out of committee for a vote. I will continue to fight for citizens to have the final say in annexation matters.



On Feb. 20, 2006, Dennis Kinsey of Battle Ground, standing next to Senator Benton, and Travis Jackson of Vancouver became the state’s first-ever recipients of the Medal of Valor for saving the life of a car accident victim on Jan. 18, 2005. Senator Benton prime-sponsored the legislation to create the Medal of Valor in 2000 and subsequently nominated Dennis and Travis for the award. In order to be considered for the state’s Medal of Valor, a person must have saved, or attempted to save the life of another at the risk of serious injury or death to himself or herself. It is awarded to good Samaritans not working as emergency personnel. The recipients of the Medal of Valor are chosen by a committee made up of the Governor, Lieutenant Governor, the Speaker of the House and the Chief Justice of the state Supreme Court.

Supplemental budgets meet Vancouver and Clark County needs

This year, there were a number of important projects in Vancouver and Clark County that needed funding. So, I worked hard to cultivate relationships with both the majority in the Senate and across the rotunda in the House of Representatives – and it paid off for our community when the supplemental operating, transportation and capital budgets were finalized. Here are the highlights of our wins:

Levy equalization – All school districts operate under a “levy lid,” which means property rich districts like Mercer Island make out much better than districts with lower land values. The state provides “levy equalization” money to help such districts. This year the budget restored full levy equalization funding, which will provide \$292,920 for the Evergreen School District and \$150,942 for the Battle Ground School District in calendar year 2007.

Washington State Patrol Crime Lab – \$2.94 million was provided this year to complete the Washington State Patrol Crime Lab in Vancouver. We will now have a full-service crime lab in Southwest Washington to provide timely scientific analysis of physical evidence to put criminals in prison.

Clark County Skills Center – This facility serves students who might not otherwise stay in school and graduate by allowing them to use part of their day to learn a skill that will lead to a good-paying job. I won funding this year for new equipment as well as for the summer school program.

Camas Community Education Program Facility – One of the most critical requests I made this year was to save the building now used by more than 600 children as part of the Camas Community Education Program. This building was set to be sold by the Washington Military Department, which owns the facility. There is no other building in the area capable of accommodating this successful program. My request that the building be transferred at no cost to the Camas School District was granted in the final budget.

Clark County Mental Health Network – Clark County’s Mental Health Network coordinates public mental health services and initiates innovative programs like the Mental Health Court to divert mentally ill offenders away from jail and into appropriate treatment so they can get the help they need. This year the budget increased the network’s funding by \$3.2 million.

Cost-of-living increases for our teachers – Voters passed Initiative 732 in 2000 to ensure teachers receive cost-of-living increases. The 2006 supplemental operating budget adjusts the appropriation up from the 2005-07 budget to meet higher than expected inflation. For fiscal year 2006-07, teachers will received a 2.8 percent COLA instead of the original 1.7 percent.

138th Avenue Road Improvements – Each year, the Public Works Trust Fund Board makes low-interest loans available to local governments for high-priority projects. The trust fund board submits a list of recommended projects for the Legislature to approve, and among those approved this year, with funding provided in the capital budget, is a \$2.2 million project to make much-needed improvements to 138th Avenue between 18th and 28th Streets in Vancouver.

Road improvements – \$4 million for road widening at I-5 and Interstate 205 at Salmon Creek; \$8.6 million for a new interchange at I-5 and Highway 502 near the Gee Creek rest area; and \$1 million for a concrete sound wall to ease the significant traffic noise for Pioneer Meadows subdivision residents.

Confluence Project Land Bridge – \$1.5 million was provided to construct an earth-covered bridge designed by the famous artist/architect Maya Lin, over SR 14 linking the Fort Vancouver National Historic Reserve and the Columbian River waterfront.

Miracle League Ball Field – The Miracle League is a national organization the helps win private-public partnership funding to build ball fields for children with disabilities. These special fields are constructed in such a way that even children in wheelchairs can play. Several Vancouver residents, led by Art Liss, wanted to get a Miracle League ball field built at the Harmony Sports Complex in the 17th Legislative District. My request for \$57,000 in assistance from the state was included in the 2006 supplemental capital budget.



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